LIBRARY
SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
NOV 9 1964
JOHN F. DAVIS, CLERK

SUPREME COURT OF THE UNITED STATES

October Term 1964

No. 372

SAMUEL J. MARROSO.

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

REPLY TO BRIEF FOR THE UNITED STATES IN OPPOSITION

J. EDWARD WORTON,
Attorney for Petitioner,
SAMUEL J. MARROSO
548 Pan American Bank Bldg.
Miami, Florida 33131

SUPREME COURT OF THE UNITED STATES

October Term 1964

No. 372

SAMUEL J. MARROSO.

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

REPLY TO BRIEF FOR THE UNITED STATES IN OPPOSITION

TO the HONORABLE EARL C. WARREN, Chief Justice and the Associate Justices of the Supreme Court of the United States:

THE UNITED STATES OF AMERICA in its brief in opposition to the petitioner SAMUEL J. MARROSO's Petition for Writ of Certiorari, No. 372, has consolidated argument as respects the petition of SAMUEL J. MARROSO and the petition of JOHN JACOB SAMARIN, No. 471.

It is respectfully shown that this Honorable Court should consider the merits of the Petition for Writ of Certiorari filed by SAMUEL J. MARROSO separately and apart from the petition of JOHN JACOB SAMARIN.

As the Government states in footnote "1" commencing on page 7 of its brief:

> " * * * We think it plain that if there was some infringement of Marroso's rights — which we do not concede — that was a personal matter relating only to Marroso. * * * "

The principal argument of SAMUEL J. MARROSO is the infringement of his constitutional right to maintain silence and the subsequent prejudicial comment by the prosecutor and the F. B. I. agent to the jury concerning his silence.

CONCLUSION

The writ of certiorari should be granted.

Respectfully submitted,

J. EDWARD WORTON,
Attorney for
SAMUEL J. MARROSO, Petitioner
548 Pan American Bank Bldg.
Miami, Florida 33131

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that several copies of the above and foregoing Reply to Brief for the United States in Opposition was on this the 5th day of November, 1964, mailed to the Hon. William A. Meadows, United States Attorney for the Southern District of Florida, United States Courthouse, Miami, Florida; to Jerome Nelson, Attorney, Dept. of Justice, Washington 25, D. C.; and to the Solicitor General, Department of Justice, Washington 25, D. C.

J. EDWARD WORTON